

Monitoring and enforcing employment preferences for veterans

HB 76 by Wise (Van de Putte)

DIGEST: HB 76 would have required public entities to prepare and make available a statement of measures they take to ensure that veterans receive the employment preferences required by Government Code, ch. 657, and of any remedies the entity has for veterans who are not hired. Prosecutors would have been required, upon application by a person who the prosecutor reasonably believed was entitled to a benefit under laws requiring employment preferences for veterans, to represent the person in an amicable adjustment of the claim or to file or prosecute a case to require compliance with the provisions. District courts could have required public officials to comply with provisions for employment preferences for veterans.

GOVERNOR'S REASON FOR VETO: "House Bill No. 76 would require county or district attorneys to represent veterans in claims they were not given employment preference allowed under current state law. This is an unfunded mandate and would potentially create a specific hardship in Travis County, where the majority of state employment is available. Further, this bill unnecessarily increases litigation in the state.

"I fully support efforts to employ qualified military veterans, and I encourage all state agencies, boards, and commissions to be mindful of the state law that requires veterans to be given hiring preference."

RESPONSE: Rep. Miguel Wise, the bill's author, said: "I am disappointed that Gov. Rick Perry would ignore the wishes of the Legislature in addressing the needs of Texas veterans by vetoing House Bill 76, an important piece of legislation which received unanimous bipartisan support both in the House of Representatives and Senate before reaching his desk. The measure, which was overwhelmingly supported by votes of 143-0 in the House and 31-0 in the Senate, is a slap in the face to the 1.6 million veterans who reside in Texas, the second largest veteran population in the entire United States.

"Veterans represent an important part of the overall demographics of Texas, especially within the workforce. In addition to the millions of veterans who reside in Texas, there are over 108,000 active-duty personnel who call Texas their home. The veteran population alone brings in approximately \$3 billion to the state economy every year. Many veterans have returned to their respective homes and assumed vital roles in their communities, applying the refined skills they developed in the military to their new jobs. Veterans are highly trained individuals who know the value and rewards of hard work. As the largest employer in the state, it only makes sense that state agencies give special attention to these highly skilled, highly motivated workers who obviously have a passion for public service and a deep love of country. Unfortunately, employers are sometimes reluctant to hire newly-discharged veterans because they have been away from 'formal employment' for so many years.

“HB 76 was designed to improve benefits for Texas veterans by making state agencies accountable for their preferential hiring practices of veterans. HB 76 would have required state agencies to make available for public inspection some type of statement or plan which outlines their preference procedures when it comes to considering veterans for employment. According to his policy staff, the governor was worried that this bill would lead to increased lawsuits by veterans — seemingly supporting the notion that state agencies were in fact not complying with current statutes requiring preferential hiring practices for veterans. We must not be doing enough currently to help our veterans if that is Gov. Perry’s fear. If this is the case, you would think that the governor would have supported rather than vetoed the legislation.

“The governor’s apparent antiveteran stance sends the wrong message to our proud veterans. This veto loudly declares that while veterans are to be courted and honored during the election cycle, the sacrifices they have made for our country are not quite worthy of recognition when it comes to finding a job with the state. Moreover, in light of all the recent military activity in Iraq and the millions of soldiers returning to Texas, it is inexcusable that Gov. Perry would turn his back on our military men and women like this.”

Sen. Leticia Van de Putte, the Senate sponsor, said: “As sponsor of the bill and chair of the Veteran Affairs and Military Installations Committee, I am very disappointed in the veto of HB 76 by Rep. Miguel Wise, which would have ensured employment preference for veterans...

“Careful consideration was given to the potential impact HB 76 may have on county or district attorneys, who were contacted proactively about the bill and who suggested language reflected in the enrolled version.

“If we had the opportunity to discuss the governor’s concerns regarding increased litigation, I would have been happy to point out Section 657.052 of the bill, which spells out that an attorney is only directed to file suit on behalf of individuals they ‘reasonably believe’ are entitled to the recourse. I trust those professionals would have been able to use their discretion to prevent frivolous suits from occurring.

“Further, it is important to point out that the bill establishes an enforcement mechanism identical to one currently in Chapter 613 of the Government Code, which requires that the state rehire employees returning from active duty. Neither the Travis County District Attorney’s Office nor the Texas County and District Attorneys Association were able to recall an instance in which they had been asked to file suit under the law. Additionally, to my knowledge, only one suit regarding enforcement of the veterans employment preference has been filed in Texas since the law was established.”

NOTES:

HB 76 passed the House on the Local, Consent, and Resolutions Calendar and was not analyzed in a *Daily Floor Report*.